

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN BECERRA, individually and on behalf of
all others similarly situated,

Plaintiff,

-against-

ORDER TO SHOW CAUSE

14-CV-2671 (JS) (ARL)

IM LLC-I, IL MULINO USA, LLC, IM LONG
ISLAND RESTAURANT GROUP, LLC, IMNY
FLORIDA, LLC, IMNY CHICAGO, LLC,
IMNY ASPEN, LLC, IMNYLV, LLC, IMNY
SOUTH BEACH, LLC, IMNY PUERTO RICO,
LLC, JOHN DOE CORPORATIONS #1-7,
BRIAN GALLIGAN and GALLIGAN
HOSPITALITY GROUP, INC.,

Defendants.

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LINDSAY, Magistrate Judge:

Plaintiff Juan Becerra (“Plaintiff”) commenced this Fair Labor Standards Act, 29 U.S.C. §201 et seq. (“FLSA”), and the New York Labor Law § 650 et seq. (“NYLL”) action on April 29, 2014. At Plaintiff’s request this matter was referred to arbitration on October 24, 2018. On August 2, 2019 this Court directed the parties to file a status report. No report was ever filed. On November 27, 2019, Plaintiff advised District Judge Spatt that the mediation never took place and requested the matter be referred to arbitration. ECF No. 37. District Judge Spatt referred the matter to arbitration on December 12, 2019. By Order dated March 3, 2020, Judge Spatt directed the parties to file a status report. No report was ever filed. Judge Spatt again directed the parties to file a status report on April 23, 2020. No report was ever filed.

Plaintiff is hereby directed to provide the Court with a status report by December 15, 2020. **Plaintiff is hereby warned that a failure to comply with this Order will result in a Report and Recommendation to the District Judge that this action be dismissed with prejudice for a failure to prosecute.**

Dated: Central Islip, New York
November 19, 2020

SO ORDERED:

/s
ARLENE R. LINDSAY
United States Magistrate Judge